

Remarks by Rep. James A. Leach
Chairman, Subcommittee on Asia and the Pacific
Hearing on “An Update on Implementation of the
North Korean Human Rights Act”
October 27, 2005

I would like to thank Chairman Smith for taking the initiative in calling today’s joint hearing. The plight of North Koreans both inside and outside their country of origin was the primary motivation for the North Korean Human Rights Act, which became law one year ago this month. I am pleased that today’s meeting will provide this Committee with its first opportunity to hear directly from some of the most vulnerable members of that population -- North Korean women who are trafficked and abused in third countries, primarily in the People’s Republic of China. Increased international attention to this circumstance will be a necessary step toward breaking the cycle of exploitation.

I regret to note that implementation of the Act by the Administration during the past twelve months has been exceedingly slow, particularly with regard to refugee assistance and resettlement. Indeed, I am not aware of any substantive progress since our last oversight hearing, exactly six months ago. The responses to our questions at that hearing indicated that the United States had not yet undertaken the high-level diplomatic efforts with third countries necessary to allow us to proceed with the quiet processing of even some limited number of intending refugees.

This was underscored last week, when the Department of State reported to Congress that “[t]here were no applications for refugee admission to the United States filed by North Koreans” during the past year. While this is a true statement, it does not justly describe the underlying facts: We are aware of cases where North Korean refugees hiding in third countries have approached U.S. diplomatic posts, unsuccessfully seeking assistance in relocating to the U.S. as refugees. Furthermore, the report demonstrates inadequate regard for the requirements of current law: Section 303 of the Act imposes an affirmative obligation on the Department of State to “facilitate the submission of [refugee] applications” by North Koreans. Thus, an annual total of zero applications and zero admissions is clearly unacceptable.

This fact has not gone unnoticed in the overseas press, or by South Korean officials who have asked me on multiple occasions whether the United States is serious in its intent to share the burdens of assisting North Korean refugees. The matter should be settled: The law commits us to sharing those burdens. The United States has the largest refugee resettlement program in the world, by a significant factor. We also are home to the largest and most successful ethnic Korean population outside of Northeast Asia. The fact that we still have not admitted any North Korean refugees flouts our values and our law.

With the belated appointment of the Special Envoy for Human Rights in North Korea, we are hopeful that these issues may begin to receive the attention and action intended by the Congress when we enacted Public Law 108-333 over a year ago.

In closing, it must be understood that the Congress did not intend the North Korean Human Rights Act as a rhetorical exercise. The law was enacted to promote respect for human rights, transparency in the delivery of humanitarian aid, and protection for North Korean refugees. It granted considerable discretion to Executive Branch agencies in pursuing those ends. In a government of laws, the Executive clearly has obligations it has yet to meet. This is disconcerting, to say the least.

Again, I would like to thank Chairman Smith for his longstanding leadership on human rights and refugee issues. I look forward to the testimony of our witnesses.
